

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**THOMAS K. LAMPERT, as Trustee
for the THOMAS K. LAMPERT
IRREVOCABLE TRUST,**

Plaintiff,

Civil Action No. 5:15-cv-6746

v.

**TAMS MANAGEMENT, INC.,
SOUTHERN COAL CORPORATION,**

Defendants.

Application for Suggestions with Summons

On August 4, 2016, Plaintiff applied to this Court for the issuance of various suggestions and summonses, all pursuant to Rule 69(a)(1) of the Federal Rules of Civil Procedure, and West Virginia Code § 38-5-10. *See* ECF No. 62. Defendants filed an appeal bond on August 5, 2016, which the Court approved shortly thereafter. *See* ECF Nos. 64-67. In approving the appeal bond, the Court directed that “execution of the judgment in this case be **STAYED** during the pendency of the Defendant’s appeal.” ECF No. 67, at 1 (emphasis in original).

On April 11, 2017, the United States Court of Appeals for the Fourth Circuit issued an opinion and entered judgment in favor of the Plaintiff, affirming this Court’s judgment in all respects. *See* ECF Nos. 71-72. The judgment of the Fourth Circuit took effect on May 3, when that Court issued its mandate. *See* ECF No. 76.

Because the Defendants’ appeal has concluded, Plaintiff respectfully renews his request for the issuance of suggestions on this Court’s March 18, 2016 Judgment, as amended on July 12, 2016. The requested suggestions and summonses are attached hereto as Exhibits A-F, and were prepared using the template made available by the Clerk of Court.

Thomas K. Lampert, as Trustee for the
Thomas K. Lampert Irrevocable Trust,

By Counsel.

/s/ Isaac R. Forman

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Certificate of Service

The undersigned certifies that on May 11, 2017, the foregoing *Application for Suggestions with Summons* was served using the Court's CM/ECF System, which will notify the following counsel of record:

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/s/ Isaac R. Forman
Isaac R. Forman